

### REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 25, 2005. Claims 1 and 9 have been amended. Support for the amendments can be found in the specification. No new matter has been added. Claims 1-18 remain pending. Applicant respectfully requests reconsideration and favorable action in this case.

#### Rejections under 35 U.S.C. § 101

Claims 1-8 stand rejected under 35 U.S.C. § 101. In this rejection, the Official Action states that nothing in the body of the claims suggests that a computer performs the recited steps. Claim 1 has been amended to recite that the vendor data is accessed from one or more databases and the forecasting results are provided to a user via a graphical user interface, thereby suggesting the use of a computer. Applicant therefore respectfully requests withdrawal of the rejection.

#### Rejections under 35 U.S.C. § 102

Claims 1-7 and 9-15 stand rejected as anticipated by *Intelligent Miner for Data Applications Guide* ("Cabena"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP § 2131. Cabena does not disclose each and every element set forth in the amended pending independent claims, some distinctions of which are set forth below.

Independent claims 1 and 9 have been amended to recite the limitation, "training a model to obtain weights for a variable using polynomial regression." For example, paragraph 56 of the specification describes an exemplary use of auto-regression to obtain the weights "w" which correspond to the weekly aggregated sales data "r" in the following equation:

$$r_{t+1} = w_t r_t + w_{t-1} r_{t-1} + w_{t-2} r_{t-2} \dots w_0 r_0$$

Thus, a weight is determined for each week's aggregated sales data such that the relative importance of each week's data in predicting the next week's sales data is represented mathematically. Further support for the limitation of training a model using polynomial

regression to obtain weights for a variable can be found, for example, in paragraphs 55 and 68 of the specification. Thus, the amendments to the independent claims do not present new matter.

Cabena does not appear to teach the claimed limitation of training a model to obtain weights for a variable using polynomial regression in the cited passages. For example, cited pages 8-9, 9-13, 27-32, and 33-132 appear to speak about training at a high-level, but do not recite the claimed limitation of training a model to obtain weights for a variable using polynomial regression. For example, although page 12 of Cabena discloses assigning a weight factor to each variable, such a weight factor is discussed in reference to an imprecise data mining technique called segmentation but provides no teaching as to how these weight factors are derived. As another example, Cabena discusses regression on page 95. However, instead of training a model to obtain weights for a variable using polynomial regression as claimed, Cabena teaches using regression to determine which variables to use in the first place. Thus, Cabena appears to use regression solely for determining which variables to use, but not what weight to give each variable as claimed by the instant application.

Applicant therefore submits that there is no teaching or suggestion to use regression analysis to determine the weights for a variable and to use those weights to predict the future behavior of a customer. If the Examiner disagrees, Applicant requests that the Examiner please point out where this feature of the present invention is found in the cited reference or withdraw the rejection.

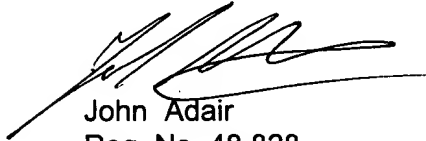
In view of the amendment to the independent claims and the above remarks, independent Claims 1 and 9 are patentably distinct. Dependent claims 2-8 and 10-16 depend from claims 1 and 9, respectively, and are therefore patentably distinct for at least the same reasons as Claims 1 and 9. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-16. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

**Sprinkle IP Law Group**  
Attorneys for Applicant



John Adair  
Reg. No. 48,828

Date: May 25, 2005

1301 W. 25<sup>th</sup> Street, Suite 408  
Austin, TX 78705  
Tel. (512) 637-9220  
Fax. (512) 371-9088